

DRAWING AMENDMENTS

Please substitute the attached “Replacement Sheet” of formal drawings depicting Fig. 1 for original Fig. 1 filed with the patent application on August 21, 2003. The attached “Replacement Sheet” changes reference number “192” used to identify the optical disk to reference number “199.” An “Annotated Sheet” showing original Fig. 1 with the changes made thereto indicated in red also is attached to this paper.

REMARKS/ARGUMENTS

Applicants respectfully request entry of this Amendment, reconsideration of this application, as amended, and reconsideration of the January 3, 2006, Office Action.

I. GENERAL REMARKS REGARDING THE CONTENT OF THIS AMENDMENT

Upon entry of this Amendment, claims 1-72 will remain pending in this application. Through this Amendment, Applicants have amended various claims to recite that the stylus may be located proximate to the digitizer and “in a hovering orientation.” Support for this addition can be found throughout the original specification. *See*, for example, original Paragraphs 20, 24, 48, and 51; original Fig. 4, Step S404; etc. Also, through this Amendment, the specification and Fig. 1 have been amended to change reference number 192, when used to refer to the optical disk, to reference number 199. These changes are made because reference number 192 also is used in Fig. 1 to refer to the “Hard Disk Interface.” No new matter is included in this Amendment, and no additional claim fees are due as a result of this Amendment.

Applicants further submit that, for the reasons discussed in detail below, claims 1-72 stand in condition for immediate allowance. The various issues raised in the Office Action are addressed below.

II. THE ORIGINALLY SUBMITTED DECLARATION INCLUDED SIGNATURES FROM ALL THE INVENTORS

The Office indicated that the original Declaration was defective because it was not signed and dated by all inventors. *See* the Office Action at page 2. According to Applicants’ records, however, the original Declaration submitted with the Response to Notice to File Missing Parts dated December 22, 2003 included signatures by all of the inventors (specifically, four inventors signed and dated one copy of the Declaration and one inventor signed and dated another separate copy of the Declaration).

A complete copy of Applicants’ Response to Notice to File Missing Parts, including copies of the previously submitted signed Declarations for this application, is attached.

Accordingly, Applicants respectfully submit that the originally submitted Declaration included all inventors’ signatures and fully complied with the Office’s requirements. Withdrawal of this objection is respectfully requested.

III. APPLICANTS' CLAIMS PATENTABLY DISTINGUISH FROM THE CITED ART

The Office rejected claims 1-72 in this application based on various references as summarized in the following table:

Claims Rejected	Basis	Cited Reference(s)
1-5, 10, 18-22, 24, 30-35, 39, 45-47, 49, 55-58, 64-66, and 72	35 U.S.C. § 102(b)	Zetts, et al., U.S. Patent No. 6,049,329 (hereinafter "Zetts")
6	35 U.S.C. § 103(a)	Zetts in view of Brittenham et al., U.S. Patent No. 5,905,486 (hereinafter "Brittenham")
7, 23, 36, 48, 59, and 67	35 U.S.C. § 103(a)	Zetts in view of Bellwood, et al., U.S. Published Patent Appln. No. 2005/0039137 (hereinafter "Bellwood")
8, 9, 37, and 38	35 U.S.C. § 103(a)	Zetts in view of Higashio, U.S. Patent No. 5,900,869 (hereinafter "Higashio")
11-14, 25-28, 40-43, 50-53, 60-62, and 68-70	35 U.S.C. § 103(a)	Zetts in view of Sekizawa, et al., U.S. Patent No. 6,239,789 (hereinafter "Sekizawa")
15, 29, 44, 54, 63, and 71	35 U.S.C. § 103(a)	Zetts in view of Karson, et al., U.S. Published Patent Appln. No. 2005/0160371 (hereinafter "Karson")
16 and 17	35 U.S.C. § 103(a)	Zetts in view of Karson and Sekizawa

See the Office Action at pages 2-16. Applicants respectfully traverse these rejections and request reconsideration.

Applicants' claim 1 recites a method that includes: (a) receiving input indicating that a first stylus is located proximate to a digitizer in a hovering orientation; and (b) providing focus to a first control element corresponding to a location of the first stylus in the hovering orientation. Applicants respectfully submit that Zetts does not teach or suggest this claimed method.

More specifically, nothing in Zetts teaches or remotely suggests receiving input indicating that a stylus is located proximate to a digitizer in a hovering orientation. Rather, in the Zetts systems and methods, focus is established based on "touch down" or contact between a stylus and a digitizer

surface. *See* Zetts, for example, at the abstract lines 2-3; column 2, lines 53-55; column 7, lines 17-23; column 9, line 35; column 10, line 14; column 10, line 40; etc. Recognizing this apparent deficiency in the Zetts patent, the Office simply states while addressing at least some of the claims:

Note that the determining of a stylus located proximate to a surface of the digitizer is equivalent to the determination of a touchdown event.

See the Office Action, for example, at page 3, lines 13-15; page 6, lines 12-13; page 7, lines 3-4; and page 13, lines 11-12. Notably, absolutely no evidence is cited by the Office to support the allegation that “proximate” is equivalent to a touch down event.¹ Applicants respectfully submit that such unsupported allegations fail to carry the Office’s burden of establishing that the claimed invention is anticipated and/or rendered *prima facie* obvious by the cited art. To further clarify the claim, however, and in an effort to expedite prosecution and to facilitate allowance of this application, Applicants have amended claim 1 to recite that the input indicates that the stylus is located proximate to the digitizer “in a hovering orientation.”

Because Zetts does not teach or suggest receiving input indicating a stylus located proximate to a digitizer in a hovering orientation, as described above, Applicants further submit that Zetts also clearly does not teach or suggest providing focus to a first control element corresponding to a location of the first stylus in this hovering orientation, as further recited in claim 1.

For the foregoing reasons, Applicants respectfully submit that claim 1 and its associated dependent claims (claims 2-18) patentably distinguish from the methods described in Zetts.

Applicant’s independent claim 31 recites a system that includes: (a) an input device adapted to generate an input indicating that a first stylus is located proximate to a digitizer in a hovering orientation; and (b) a processor programmed and adapted to provide focus to a first control element corresponding to a location of the first stylus in the hovering orientation. For the reasons discussed above, Zetts does not teach or suggest an input device adapted to generate an input indicating that a stylus is located proximate to a digitizer in a hovering orientation. Because Zetts does not teach or suggest an input device indicating that a stylus is located proximate to a digitizer in a hovering

¹ Quite to the contrary, the ordinary definition of the term “proximate” does not include “contacting.” *See*, for example, *Merriam-Webster’s Collegiate Dictionary*, Tenth Edition, Merriam-Webster, Inc., Springfield, Massachusetts (1997), p. 941 (“very near: CLOSE”) (copy attached).

orientation, Applicants respectfully submit that Zetts also does not teach or suggest a processor programmed and adapted to provide focus to a control element corresponding to a location of the stylus in this hovering orientation in the manner further recited in claim 31. Accordingly, Applicants respectfully submit that claim 31 and its associated dependent claims (claims 32-45) patentably distinguish from the systems described in Zetts.

Applicants' independent claim 56 recites a computer-readable medium including computer-executable instructions stored thereon for performing a method comprising: (a) receiving input indicating that a stylus is located proximate to a digitizer in a hovering orientation; and (b) providing focus to a control element corresponding to a location of the stylus in the hovering orientation. For the reasons described above in connection with claim 1, Applicants respectfully submit that claim 56 and its associated dependent claims (claims 57-64) patentably distinguish from any computer-readable medium described in the Zetts patent.

Applicants' independent claim 19 recites a method that includes: (a) determining whether a first stylus is located proximate to a surface of a digitizer in a hovering orientation; and (b) providing focus to a first control element corresponding to a location of the first stylus in response to: (i) a determination that the first stylus is located proximate to the digitizer in the hovering orientation, or (ii) contact between the first stylus and the surface of the digitizer. As described above, the Zetts patent does not teach or suggest a method that includes determining whether a stylus is located proximate to a digitizer in a hovering orientation. Additionally, Applicants respectfully submit that the Zetts method does not provide focus to a control element corresponding to a location of the stylus in response to either of: (i) a determination that the stylus is located proximate to the digitizer in the hovering orientation, or (ii) contact between the stylus and the surface of the digitizer. For these reasons, Applicants respectfully submit that claim 19 and its associated dependent claims (claims 20-30) patentably distinguish from the cited Zetts patent.

Applicants' independent claim 46 recites a system that includes: (a) an input device adapted to generate an input indicating when a first stylus is located proximate a surface of a digitizer in a hovering orientation; and (b) a processor programmed and adapted to provide focus to a first control element corresponding to a location of the first stylus in response to: (i) a determination that the first stylus is located proximate to the digitizer in the hovering orientation, or (ii) contact between the first

stylus and the surface of the digitizer. As discussed above, Zetts does not teach or suggest an input device adapted to generate an input indicating that a stylus is located proximate to a digitizer in a hovering orientation. Additionally, Applicants respectfully submit that Zetts does not teach or suggest a processor programmed and adapted to provide focus to a control element corresponding to a location of the stylus in response to a determination that the stylus is located in this hovering orientation or in response to contact between the stylus and the digitizer surface in the manner further recited in claim 46. Accordingly, Applicants respectfully submit that claim 46 and its associated dependent claims (claims 47-55) patentably distinguish from the systems described in Zetts.

Finally, Applicants' independent claim 65 recites a computer-readable medium including computer-executable instructions stored thereon for performing a method comprising: (a) determining whether a first stylus is located proximate to a surface of a digitizer in a hovering orientation; and (b) providing focus to a first control element corresponding to a location of the first stylus in response to: (i) a determination that the first stylus is located proximate to the digitizer in the hovering orientation, or (ii) contact between the first stylus and the surface of the digitizer. For the reasons described above in connection with claim 19, Applicants respectfully submit that claim 65 and its associated dependent claims (claims 66-72) patentably distinguish from any computer-readable medium described in the Zetts patent.

In view of the foregoing, Applicants respectfully submit that claims 1-72 patentably distinguish from the cited art and that these claims stand in condition for immediate allowance. Accordingly, Applicants respectfully request that the Office withdraw these rejections and allow claims 1-72.

IV. CONCLUSION

If the Examiner believes that a personal or telephone interview will be useful to resolve any issues and/or to advance the prosecution of this application, he is invited to contact the undersigned attorney.

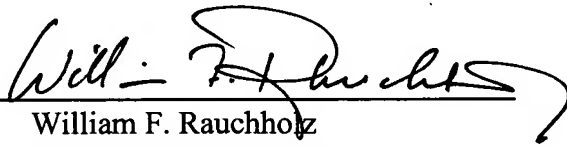
If any fees are required, such as fees under 37 C.F.R. §§ 1.16 or 1.17, or if an extension of time is necessary that is not accounted for in the papers filed with this Amendment, the Commissioner is authorized to debit our Deposit Account No. 19-0733 for any necessary fees,

including any necessary extension fees. Any overpayment also can be credited to Deposit Account No. 19-0733.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for immediate allowance and respectfully solicit prompt notification of the same.

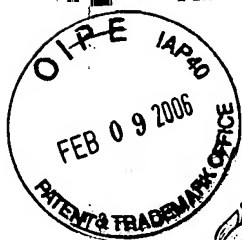
Respectfully Submitted,

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or appealing to unusual sexual desire — **pru-ri-ent-ly** *adv*

A sing \ə\ go \ò\ law \ó\ boy \th\ thin \t\ the \ü\ loot \ù\ foot
A yet \zh\ vision \á\ kⁿ \w\ \w\ \w\ See Guide to Pronunciation

\ə\ about \ʌ\ kitten, F tablɐ\ \ər\ further \ə\ ash \ā\ ace \ā\ mop, mar
 \au\ out \ch\ chin \e\ bet \ē\ easy \g\ go \i\ hit \ī\ ice \j\ job
 \ŋ\ sing \ō\ go \ò\ law \oi\ boy \th\ thin \t̃h\ the \ü\ loot \ú\ foot
 \y\ yet \zh\ vision Á. k. º. æ. œ. u. ȳ. ʸ see Guide to Pronunciation

ANNOTATED SHEET

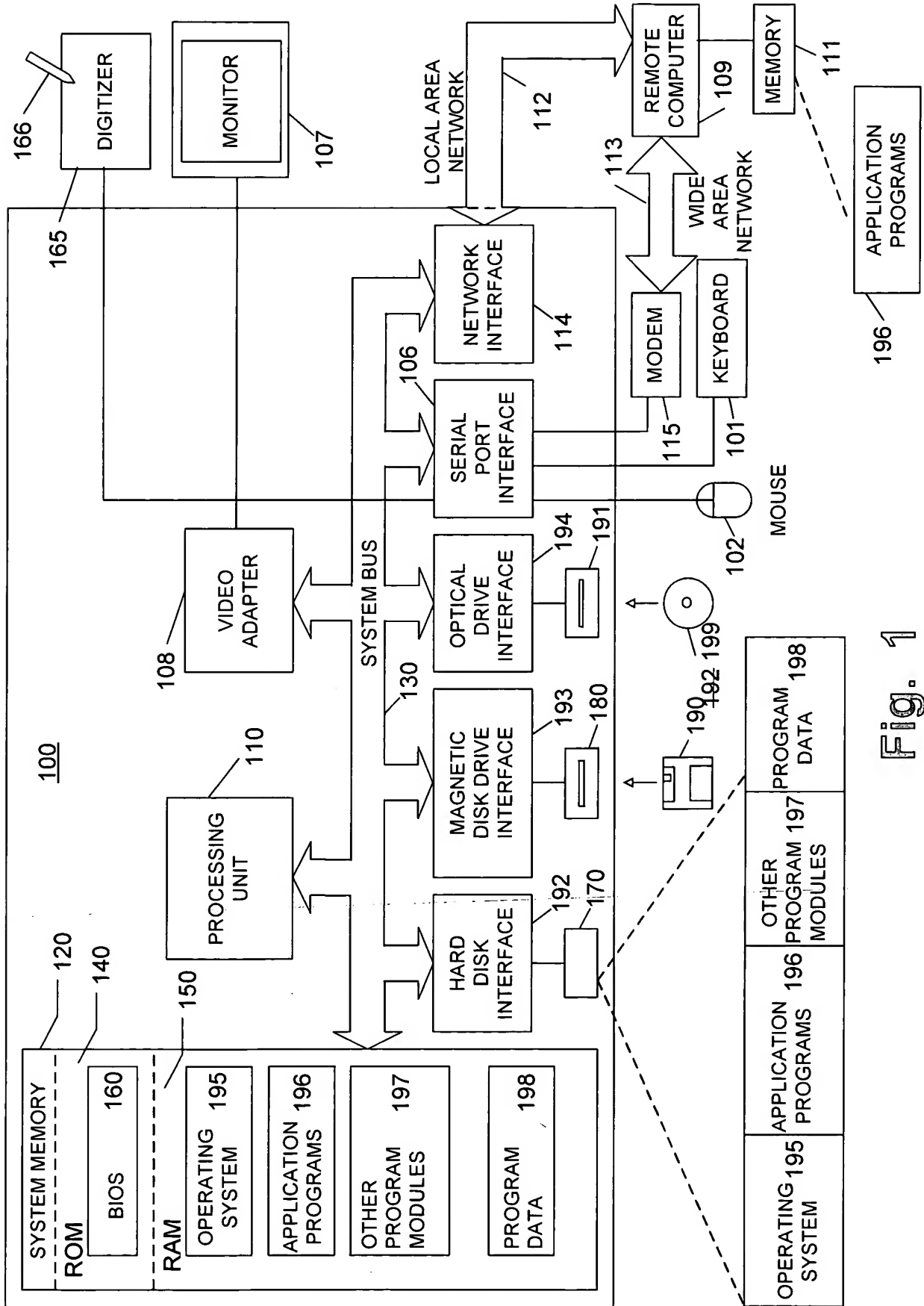


Fig. 1